

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-13701
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT January 4, 2007 THOMAS K. KAHN CLERK</p>
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D.C. Docket Nos.
06-00134-CV-T-30MSS
03-BK-23102-ALP

IN RE: AMERICAN EQUITY CORPORATION OF PINELLAS,

Debtor.

ESTHER GLAUSER,
PAUL C. ASTOR,
Executor of the Estate of Julius Glauser,
JULIUS GLAUSER, IRA,

Plaintiffs-Appellants,

versus

V. JOHN BROOK,
Trustee,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(January 4, 2007)

Before BLACK, MARCUS and COX, Circuit Judges.

PER CURIAM:

Appellants Esther Glauser, Paul C. Astor, Executor of the estate of Julius Glauser, and the Julius Glauser IRA (collectively, “the Glausers”) seek reversal of the district court’s affirmance of an order of the bankruptcy court approving a compromise in two adversarial proceedings initiated by the Chapter 7 Trustee of the Estate of American Equity Corporation of Pinellas (“the Debtor”) against Ronald Clampitt, Gina Clampitt, and others. The compromise was made between the Trustee, Ronald Clampitt (who is the sole shareholder of the Debtor) and Gina Clampitt (Ronald Clampitt’s wife). The Glausers are creditors of the Debtor.

Having thoroughly reviewed the briefs and the record on appeal, we hold that the district court erred in affirming the bankruptcy court because the bankruptcy court abused its discretion in approving the compromise. The record is not sufficiently developed to support a finding that the compromise is in the best interest of the estate.

Therefore, we reverse the district court's order affirming the order of the bankruptcy court. We instruct the district court to vacate the order of the bankruptcy court and to remand to the bankruptcy court for further proceedings.

REVERSED.¹

¹ Appellee's motion for damages and costs is DENIED.